

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

January 30, 2003 LB 48, 191

That committee reports the bill to General File.

SENATOR CUDABACK: You're recognized to open, Senator Brashear, on LB 48.

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. LB 48 corrects an internal reference within the code of civil procedure for the state of Nebraska. Under current law, an unsuccessful civil litigant may file a motion for a new trial on the basis of certain specific grounds. Such grounds are codified at Section 25-1142 of the Nebraska Revised Statutes. In some instances, the party moving for a new trial must affirm, in affidavit form, the factual basis that he or she is alleging. An example of such is when a party is alleging the existence of newly discovered evidence that affects the outcome of a case. The sworn affidavit then must be filed with the movant's motion for a new trial. LB 48 restates the cross reference to the statute that provides for the grounds for a new trial. This clarification is to ensure that the meaning of the statute is correctly stated. This bill, LB 48, was unanimously advanced by those present at the time your Judiciary Committee heard the bill. And I urge its advancement by you. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. Open for discussion on the advancement of LB 48. Seeing none, Senator Brashear, did you...he waives that opportunity. The question before the body is the advancement of LB 48 to E & R Initial. All in favor of that motion to advance vote aye, opposed nay. The question before us is the advancement of LB 48 to E & R Initial. Have you all voted who care to? Have you all voted who wish to? Record please, Mr. Clerk.

ASSISTANT CLERK: 26 ayes, 0 nays on the motion to advance the bill.

SENATOR CUDABACK: The motion to advance was successful. Mr. Clerk, next agenda item.

ASSISTANT CLERK: LB 191 is a bill that was introduced by Senator Vrtiska. (Read title.) The bill was read for the first time on January 10, referred to the Revenue Committee. The bill